

REMARKS**I. Interview with the Examiner**

Applicants' representative wishes to thank Examiner Phan for his time during a telephonic interview on May 19, 2005, during which the Examiner agreed to consider applicants' written comments as to why the applied references did not cover aspects of applicant's claimed subject matter. These written comments are presented below.

II. Objections to the Drawings

The Specification has been amended to correct reference numbers that were inconsistent between the text and the drawings. More specifically, reference numbers "204," "206," and "208" from the Specification at page 7, paragraph [0027] have been amended to read "210," "212" and "214," respectively, and are, thus, now consistent with the reference numbers of Figure 2. Applicant believes that this amendment is sufficient to address the objections to the drawings; however, if the Examiner believes further amendment is required, applicant is happy to comply.

III. Claim Rejections Under 35 U.S.C. 102

Claims 6-9 and 23-25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2002/0077116 to Havinis et al. (hereinafter "Havinis"). Applicant respectfully traverses this rejection.

Havinis discloses techniques for determining the position of a mobile station in a cellular network. For example, one of the methods that Havinis describes for determining mobile station position includes having the mobile station calculate location information using a positioning measurement that the mobile station has obtained. More specifically, Havinis describes that a Positioning Measurement Module (PMM) 220 performs this calculation, and that a Location Calculation Module (LCM) 230 within the mobile station converts the positioning measurements to location information.

The mobile station then sends the calculated location information to the network in the form of a reporting message (an action performed by a reporting module 260).

Havinis is very clear with respect to the contents of this reporting message:

As a result of performing a location calculation, the reporting module 260 . . . initiates a mobile originated reporting . . . message 275 to the serving network 10, which includes a time stamp 276 of the time and date the positioning request was received, positioning information 277, such as the number and/or duration of the positioning(s) and the final calculated MS 20 location 298.

Havinis at page 3, paragraph 38. Thus, the reporting message may include (1) location information and/or (2) information associated with calculating location information. However, the reporting message is limited to location/positioning information and does not include call quality information or any other type of performance criteria.

Unlike Havinis' techniques, which focus exclusively on mobile device positioning so that a mobile device can be located within a mobile communication network, applicant's claims 6, 9, and 23 are directed to "analyzing the performance of a wireless communications network and adjusting parameters in the wireless communication network," or the like. Thus, while they both involve mobile devices, Havinis' techniques and applicant's claimed techniques (claims 6, 9, and 23 and associated dependent claims) are very different with respect to the problems they solve (improving network performance vs. locating a mobile device in a network).

Applicant's claim 6 recites, *inter alia*, "call quality data components to determine at least one call quality metric, and a location system, comprising hardware and software that determine a location of the mobile unit in compliance with enhanced 911 ("E911") requirements." The location system "receives a query from a switch, wherein the query includes a request for call data and location data, wherein the location data comprises a location of the mobile unit in compliance with E911 requirements" and "transmits the location data and the call quality metric to the switch in response to the request." Thus, applicant's system of claim 6 transmits both location data and call quality metrics.

Havinis' techniques are very different from those recited in applicant's claims 6, 9, and 23. For example, while Havinis recites a Positioning Measurement Module (PMM) 220 and a Location Calculation Module (LCM) 230, these are not the same as applicant's claimed location system. First, neither of these features comply with enhanced 911 requirements. Further, Havinis does not disclose a mobile device receiving a request for both location data and call data. Rather, Havinis is focused exclusively on location data and data associated with the process of generating location data.

Moreover, Havinis' reporting module (which the Examiner has compared with applicant's "call quality data components" element) is used exclusively for reporting (1) location information and/or (2) information about the duration of time during which the location information was calculated, which does not involve call quality. In fact, Havinis is devoid of any discussion relating to call quality or network performance. Therefore, Havinis simply does not disclose applicant's "call quality data components" that "determine at least one call quality metric."

With respect to claims 9 and 23, as discussed above, Havinis focuses on the location/position of a mobile device, and not on the performance of a mobile device operating in a communications network. Accordingly, with respect to claim 9, Havinis does not disclose any one of "receiving performance monitoring criteria," "using the performance monitoring criteria to query at least one mobile unit in the wireless communications network," creating "at least one performance report, including a graphical report that displays the call data as a function of location and time," etc. Likewise, with respect to claim 23, Havinis does not disclose any one of "a performance monitoring means that records multiple network performance characteristics," "means for using the network performance characteristics and the location data to create at least one performance report, including a graphical report that displays the call data as a function of location and time, wherein the location is the location of the mobile unit at the time the network performance characteristics were recorded," etc.

Because the cited reference does not disclose all of the claimed elements (including those of the dependent claims), the applicant respectfully requests that the rejections under 35 U.S.C. § 102(e) be withdrawn.

IV. Claim Rejections Under 35 U.S.C. 103

Claims 10 and 11 stand rejected under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent Application No. 2002/0077116 to Havinis et al. in view of U.S. Patent No. 6,771,977 to Campbell.

Because claims 10 and 11 depend from claim 9, which is allowable (as discussed above), these claims are also allowable. Therefore, applicant requests that all rejections under 35 U.S.C. § 103 be withdrawn.

In view of the above amendments and stated arguments, applicants request reconsideration and withdrawal of the rejections set forth in the Office Action dated February 23, 2005. Applicants submit that the claims pending in the application, as presented, comply with the requirements of 35 U.S.C. § 102 and 35 U.S.C. § 103 and are patentably distinct over the prior art. A Notice of Allowance is therefore requested. If the undersigned attorney has overlooked a relevant teaching in the cited references, the Examiner is requested to point out specifically where such teaching may be found.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 101948041US1 from which the undersigned is authorized to draw.

Dated: May 23, 2005

Respectfully submitted,

By 
Michelle C. Sarruf

Registration No.: 55,828
PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8000
(206) 359-7198 (Fax)
Attorney for Applicant